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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,172

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Toru Suzuki

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EXAMINER

VO, ANH T N

ART UNIT

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,172	<b>Applicant(s)</b> SUZUKI ET AL.	
	<b>Examiner</b> Anh T.N. Vo	<b>Art Unit</b> 2861	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

***NON-FINAL REJECTION***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/15/2008 has been entered.

The rejections over Robinson (US 6,416,166) have been withdrawn in view of the amendments to claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7, 8-10 and 17 are rejected under 35 USC 103 (a) as being unpatentable over Hirabayashi et al (US 5,671,000).

Hirabayashi et al discloses in Figures 1-4 a printing device comprising:

- an ink cartridge (107) having an ink storage portion positioned in the casing, for containing ink;
- an engage reference portion (117) provided on the casing and serving as a reference position in installing the ink cartridge in the inkjet printing apparatus;
- a joint section (112) provided on the ink storage portion and connectable to an ink supply route (109) of the inkjet printing head;

- wherein the joint section is positioned in the proximity of one end of the ink cartridge, the one end being positioned in a leading side of an insertion direction in which the ink cartridge is installed in the inkjet printing apparatus;
- wherein the engage reference portion is positioned between the one end and an opposite end of the ink cartridge;
- wherein the ink cartridge (107) is virtually rectangular, and an outer surface at which the engage reference portion is positioned, an outer surface at which the joint section is positioned, and the side surface mutually differ;
- wherein the outer surface at which the engage reference portion is positioned, the outer surface at which the joint section is positioned, and the side surface area (left side) are arranged next to each other;
- wherein the ink cartridge is inserted into the inkjet printing apparatus from a predetermined insertion direction, and the side surface (leading side) is present ahead of the insertion direction;
- wherein the ink cartridge is rotated about a predetermined rotation center axis in the inkjet printing apparatus, and the side surface (rear side) is located at the most distant position from the rotation center axis (120), see Figure 2;
- wherein the joint section (112) comprises a sealing member (122) through which a hollow needle (111) connected to the ink supply route can be inserted;
- wherein the printer of Hbrabayashi et al is the color printer so that the cartridge would inherently include a plurality of joint sections and a plurality of ink storing sections which are connected to the plurality of joint sections, respectively;
- wherein a reference portion (116a) is engageable to an engage section (116) provided in the inkjet head;
- wherein the reference portion is positioned in an outer surface at which the joint section is located; and

- wherein ink is contained in the ink storage portion (107).

However, Hirabayashi et al does not disclose that the distance L1 between the joint section and the engage reference portion is shorter than the distance L2 between the one end of the ink cartridge and the engage reference portion, the distance L2 being defined as the shortest distance between the one end of the ink cartridge and the engage reference portion. For example, the reference portion (117) of Hirabayashi et al is closed to the other end than the one end where the joint section (112) is located. A skilled artisan realizes that the reference portion (117) is located on the bottom of the tank for the purpose of securing the tanks to the head plate (102) so that it can be selectable along the bottom surface, i.e., it can be closed to the joint section. Thus, selecting the optimum position of the reference portion (117) as claimed is considered to be a matter of a mechanical design expedient for an engineer depending upon the size and shape of the ink tank. It would have been obvious to a person having skill in the art at the time the invention was made to place the reference position (117) of Hirabayashi et al close to the one end as claimed for the purpose of accommodating with the size and shape of the ink tank so that the ink tank would be securely engaged to the head plate.

Claims 1-4, and 17 are rejected under 35 USC 103 (a) as being unpatentable over Suzuki et al. (US Pat. 5,500,664).

Suzuki et al. disclose in Figure 1 an ink jet printer comprising:

- a casing (19) of the ink cartridge;
- an ink storage portion (20) positioned in the casing (19), for containing ink;
- an engage reference portion (24) provided on the casing (19) and serving as a reference position in installing the ink cartridge (19) in the inkjet printing apparatus (2);
- a joint section (28) provided on the ink storage portion (20) and connectable to an ink supply

route (17) of the inkjet printing head (2);

- wherein the joint section (28) is positioned in the proximity of one end of the ink cartridge (19);
- wherein the engage reference portion (24) is positioned between the one end and an opposite end of the ink cartridge (19);
- wherein the ink cartridge (19) is virtually rectangular, and an outer surface at which the engage reference portion (24) is positioned, an outer surface at which the joint section (28) is positioned, and the side surface mutually differs;
- wherein the outer surface at which the engage reference portion (24) is positioned, the outer surface at which the joint section (28) is positioned, and the side surface area arranged next to each other;
- wherein the ink cartridge (19) is inserted into the inkjet printing apparatus (1, 2) from a predetermined insertion direction, and the side surface is present ahead (2) of the insertion direction; and
- an ink is contained in the ink storage portion (25).

However, Suzuki et al does not disclose that the distance L1 between the joint section (28) and the engage reference portion (24) is shorter than the distance L2 between the one end of the ink cartridge (19) and the engage reference portion (24), wherein the distance L2 is defined as the shortest distance between one end of the cartridge and the engage reference portion. Since the cartridge of Suzuki is mounted on the carriage of the printer, a skilled artisan realizes that the locations of the engage reference portion (24) and the joint section (28) are determined by the structure of the carriage. Thus, selecting the position of the portion (24) and the section (28) of Suzuki as claimed is considered to be a matter of a mechanical design expedient for an engineer. It would have been obvious to a person having skill in the art at the time the invention was made to rearrange the position of the portion (24) and the section (28) of Suzuki as claimed for the purpose of accommodating with the layout structure of the carriage of a predetermined printer.

Claims 1-4, 10-12 and 17 are rejected under 35 USC 103(a) as being unpatentable over Oda et al. (US Pat. 5,552,816).

Oda et al. disclose in Figure 6(A) an ink jet recording apparatus comprising:

1. a casing (21, 22) of the ink cartridge (T);  
an ink storage portion (25) positioned in the casing (21, 22), for containing ink;  
an engage reference portion (left side number 22a) provided on the casing (21, 22) and serving as a reference position in installing the ink cartridge (T) in the inkjet printing apparatus (16); and  
a joint section (21a) provided on the ink storage portion (25) and connectable to an ink supply route of the inkjet printing head (16),  
wherein the joint section (21a) is positioned in the proximity of one end (21) of the ink cartridge (T),  
wherein the engage reference portion (left side number 22a) is positioned between the one end (21) and an opposite end (23) of the ink cartridge (T), and  
wherein the distance L1 between the joint section (21a) and the engage reference portion (left side number 22a) is shorter than the distance L2 between the one end (21) of the ink cartridge (T) and the engage reference portion (left side number 22a) (Figure 6A).
2. wherein the ink cartridge (T) is virtually rectangular, and an outer surface at which the engage reference portion (left side number 22a) is positioned, an outer surface at which the joint section (13c) is positioned, and the side surface mutually differs.
3. wherein the outer surface at which the engage reference portion (left side number 22a) is positioned, the outer surface at which the joint section (left side number 13c) is positioned, and the side surface area arranged next to each other.
4. wherein the ink cartridge (T) is inserted into the inkjet printing apparatus (C, 16) from a predetermined insertion direction, and the side surface is present ahead (16) of the insertion direction.
10. a reference portion (right side number 22a) engageable to an engage section (right side number 13c) provided in the inkjet head (16).
11. wherein the distance L3 between the reference portion (right side number 22a) and the engage reference portion (left side number 22a) is shorter than the distance L2.
12. wherein the reference portion (right side number 22a) is positioned in an outer surface at

which the joint section (right side number 13c) is located.

17. an ink is contained in the ink storage portion (25).

However, Oda et al does not disclose that the distance L1 between the joint section and the engage reference portion is shorter than the distance L2 between the one end of the ink cartridge and the engage reference portion, wherein the distance L2 is defined as the shortest distance between one end of the cartridge and the engage reference portion. Since the cartridge of Oda et al is mounted on the carriage of the printer, a skilled artisan realizes that the locations of the engage reference portion and the joint section are determined by the structure of the carriage. Thus, selecting the position of the portion and the section of Oda et al as claimed is considered to be a matter of a mechanical design expedient for an engineer. It would have been obvious to a person having skill in the art at the time the invention was made to rearrange the position of the portion and the section of Oda et al as claimed for the purpose of accommodating with the layout structure of the carriage of a predetermined printer.

Claims 1-4, 5, 7, 9-10 and 17 are rejected under 35 USC 103 (a) as being unpatentable over Inoue et al. (US Pat. 5,619,237).

Inoue et al. discloses in Figures 2, 14-17, 20 and 23-24 an ink cartridge for use in an ink jet printer comprising:

1. a casing (30) of the ink cartridge ;  
an ink storage portion (33) positioned in the casing (30), for containing ink;  
an engage reference portion (32d) provided on the casing (30) and serving as a reference position in installing the ink cartridge in the inkjet printing apparatus; and  
a joint section (32b) provided on the ink storage portion (33) and connectable to an ink supply route of the inkjet printing head (60) (Figures 14-16),  
wherein the joint section (32b) is positioned in the proximity of one end (32) of the ink cartridge (30),



wherein the engage reference portion (32d) is positioned between the one end (32) and an opposite end (31) of the ink cartridge (30), and

wherein the distance L1 between the joint section (32b) and the engage reference portion (32d) is shorter than the distance L2 between the one end (32) of the ink cartridge (30) and the engage reference portion (32d) (Figure 14).

4. wherein the ink cartridge (30) is inserted into the inkjet printing apparatus from a predetermined insertion direction, and the side surface is present ahead (60) of the insertion direction (Figure 16).

5. wherein the ink cartridge (30) is rotated about a predetermined rotation center axis in the inkjet printing apparatus, and the side surface is located at the most distant position from the rotation center axis (Figure 16).

7. wherein the ink cartridge (30 or 140) includes a plurality of the joint sections such that the ink joint sections are connected to the corresponding ink supply routes, respectively (Figure 24).

9. a plurality of ink storing sections (143C, 143M, 143Y), which are connected to the plurality of joint sections, respectively (Figure 24).

10. a reference portion (132e or 142e) engageable to an engage section (167a or 167a') provided in the inkjet head (101) (Figures 23-24).

17. an ink is contained in the ink storage portion (33).

However, Inoue et al does not disclose that the distance L1 between the joint section and the engage reference portion is shorter than the distance L2 between the one end of the ink cartridge and the engage reference portion, wherein the distance L2 is defined as the shortest distance between one end of the cartridge and the engage reference portion. Since the cartridge of Inoue et al is mounted on the carriage of the printer, a skilled artisan realizes that the locations of the engage reference portion and the joint section are determined by the structure of the carriage. Thus, selecting the position of the portion and the section of Inoue et al as claimed is considered to be a matter of a mechanical design expedient for an engineer. It would have been obvious to a person having skill in the art at the time the invention was made to rearrange the position of the portion and the section of Inoue et al as claimed for the purpose of accommodating with the layout structure of the carriage of a predetermined printer.

Claims 1-17 are rejected under 35 USC 103 (a) as being unpatentable over Nakazawa et al. (US Pat. 6,908,182) in view of Suzuki et al. (US Pat. 5,500,664) and further in view of Inoue et al. (US Pat. 5,619,237) and Oda et al. (US Pat. 5,552,816).

Nakazawa et al. discloses in Figures 3-12 and 15-16 an ink cartridge for use in an ink jet printer comprising:

- a casing (2) of the ink cartridge (1) (Figure 4);
- an ink storage portion [3(1), 3(2)] positioned in the casing (2), for containing ink (Figure 4);
- a joint section (16, 17) provided on the ink storage portion [3(1), 3(2)] and connectable to an ink supply route (207) of the inkjet printing head (209) (Figure 11),
- wherein the joint section (16, 17) is positioned in the proximity of one end of the ink cartridge (1),
  - wherein the joint section (16, 17) comprises a sealing member (73) through which a hollow needle (204) connected to the ink supply route (207) can be inserted (Figures 4 and 11);
- wherein the ink cartridge (1) includes a plurality of the joint sections (16, 17) such that the ink joint sections are connected to the corresponding ink supply routes, respectively (Figures 4 and 11);
- wherein the plurality of joint sections (16, 17) are aligned along the side surface (Figure 4);
- a plurality of ink storing sections [3(1), 3(2)] which are connected to the plurality of joint sections (16, 17), respectively;
- an absorber (5) for absorbing ink from the inkjet head (209) (Figures 4 and 11);
- wherein the absorber (5) absorbs ink ejected from the inkjet head (209) and fails to contribute to printing an image (Figures 4 and 11);
- wherein the absorber (5) absorbs ink ejected from the inkjet head (209) in order to keep the state of the inkjet head (209) in a good condition (Figures 4 and 11); and

- an ink is contained in the ink storage portion [3(1), 3(2)] (Figure 4).

However, Nakazawa et al. do not disclose that the ink cartridge comprising an engage reference portion provided on the casing and serving as a reference position in installing the ink cartridge in the inkjet printing apparatus; wherein the engage reference portion is positioned between the one end and an opposite end of the ink cartridge, and wherein the distance between the joint section and the engage reference portion is shorter than the distance L2 between the one end of the ink cartridge and the engage reference portion; wherein the ink cartridge is virtually rectangular, and an outer surface at which the engage reference portion is positioned, an outer surface at which the joint section is positioned, and the side surface mutually differ; wherein the outer surface at which the engage reference portion is positioned, the outer surface at which the joint section is positioned, and the side surface area arranged next to each other; wherein the ink cartridge is inserted into the inkjet printing apparatus from a predetermined insertion direction, and the side surface is present ahead of the insertion direction; wherein the ink cartridge is rotated about a predetermined rotation center axis in the inkjet printing apparatus, and the side surface is located at the most distant position from the rotation center axis; a reference portion engageable to an engage section provided in the inkjet head; wherein the distance L3 between the reference portion and the engage reference portion is shorter than the distance L2; wherein the reference portion is positioned in an outer surface at which the joint section is located; and wherein the reference portion is a reference hole engageable with a reference axis provided in the inkjet head.

Nevertheless, Suzuki et al. disclose in Figure 1 an ink jet printer comprising:

- a casing (19) of the ink cartridge;
- an ink storage portion (20) positioned in the casing (19), for containing ink;
- an engage reference portion (24) provided on the casing (19) and serving as a reference position in installing the ink cartridge (19) in the inkjet printing apparatus (2);
- a joint section (28) provided on the ink storage portion (20) and connectable to an ink supply route (17) of the inkjet printing head (2);

- wherein the joint section (28) is positioned in the proximity of one end of the ink cartridge (19);
- wherein the engage reference portion (24) is positioned between the one end and an opposite end of the ink cartridge (19);
- wherein the distance L1 between the joint section (28) and the engage reference portion (24) is shorter than the distance L2 between the one end of the ink cartridge (19) and the engage reference portion (24) (Figure 1);
- wherein the ink cartridge (19) is virtually rectangular, and an outer surface at which the engage reference portion (24) is positioned, an outer surface at which the joint section (28) is positioned, and the side surface mutually differ;
- wherein the outer surface at which the engage reference portion (24) is positioned, the outer surface at which the joint section (28) is positioned, and the side surface area arranged next to each other;
- wherein the ink cartridge (19) is inserted into the inkjet printing apparatus (1, 2) from a predetermined insertion direction, and the side surface is present ahead (2) of the insertion direction;
- a reference portion (hole 28) engageable to an engage section (12') provided in the inkjet head (2, 1350) (Figure 1); and
- wherein the reference portion (hole 28) is a reference hole engageable with a reference axis (12) provided in the inkjet head (2, 1350) (Figure 1).

Furthermore, Inoue et al. discloses in Figures 2, 14-17, 20 and 23-24 an ink cartridge for use in an ink jet printer comprising the ink cartridge (30) is rotated about a predetermined rotation center axis in the inkjet printing apparatus, and the side surface is located at the most distant position from the rotation center axis (Figure 16).

Additionally, Oda et al. disclose in Figure 6(A) an ink jet recording apparatus comprising:

- a reference portion (right side number 22a) engageable to an engage section (right side number 13c) provided in the inkjet head (16);
- wherein the distance L3 between the reference portion (right side number 22a) and the engage reference portion (left side number 22a) is shorter than the distance L2; and
- wherein the reference portion (right side number 22a) is positioned in an outer surface at which the joint section (right side number 13c) is located.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to incorporate the teaching of Suzuki et al., Inoue et al. and Oda et al. in the Nakazawa et al. ink jet printer for the purpose of providing engaging portions to securely install between an ink cartridge and ink jet printer and providing an elastic member to seal an ink discharge port for ink leakage prevention.

Although Suzuki et al does not disclose that the distance L1 between the joint section and the engage reference portion is shorter than the distance L2 between the one end of the ink cartridge and the engage reference portion, wherein the distance L2 is defined as the shortest distance between one end of the cartridge and the engage reference portion; however, since the cartridge of Suzuki et al is mounted on the carriage of the printer, a skilled artisan realizes that the locations of the engage reference portion and the joint section are determined by the structure of the carriage. Thus, selecting the position of the portion and the section of Suzuki et al as claimed is considered to be a matter of a mechanical design expedient for an engineer. It would have been obvious to a person having skill in the art at the time the invention was made to rearrange the position of the portion and the section of Suzuki et al as claimed for the purpose of accommodating with the layout structure of the carriage of a predetermined printer.

### ***Response to Applicant's Arguments***

The applicant argues that none of Suzuki, Oda, Inoue or Nakazawa show the claimed length relationship of  $L1 < L2$ , and in view of the advantageous effect provided by such a length relationship, it is respectfully submitted that this length relationship is much more than a

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"mechanical design expedient", such that the claimed invention would not have been obvious. The arguments are not persuasive. Since the reference portion is the means for guiding and securing the cartridge when the cartridge is mounted on the carriage of the printer, its position is determined by the structure of the carriage. Thus, selecting the position of the portion and the section of Suzuki et al as claimed for accommodating with a predetermined carriage of a printer is considered to be a matter of a mechanical design expedient for an engineer that would have been obvious at the time of the invention.

### ***CONCLUSION***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Anh Vo whose telephone number is (571) 272-2262. The examiner can normally be reached on Tuesday to Friday from 9:00 A.M.to 5:30 P.M..

The fax number of this Group 2861 is (571) 273-8300.

/Anh T.N. Vo/

Primary Examiner, Art Unit 2861

March 28, 2008

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